

AB:MS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

CHANG GOO YOON,

Defendant.

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE
DISTRICT OF MASSACHUSETTS

(Fed R. Crim. P. 5)

Case No. 21-MJ-243

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EASTERN DISTRICT OF NEW YORK, SS:

REGINA LAU, being duly sworn, deposes and states that she is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

On or about February 23, 2021, the United States District Court for the District of Massachusetts issued an arrest warrant commanding the arrest of CHANG GOO YOON for violation of Title 18, United States Code, Section 1347 (health care fraud).

The source of your deponent's information and the grounds for her belief are as follows:¹

1. On or about February 23, 2021, the United States District Court for the District of Massachusetts issued an arrest warrant commanding the arrest of CHANG GOO YOON for a violation of Title 18, United States Code, Section 1347 (health care fraud).

¹ Because the purpose of this affidavit is to set forth only those facts necessary to establish probable cause for removal, I have not described all of the relevant facts and circumstances of which I am aware.

True and correct copies of the arrest warrant and complaint are attached hereto as Exhibits A and B, respectively.

2. On or about February 23, 2021, the defendant attempted to board Korean Air flight 82 from John F. Kennedy International Airport (“JFK”) to Seoul, South Korea. He was arrested pursuant to the above-referenced arrest warrant.

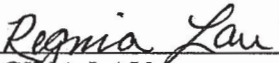
3. The defendant’s flight ticket was issued in the name of “Chang Goo Yoon” matching the name of the CHANG GOO YOON wanted in the District of Massachusetts.

4. When the defendant was arrested, he had on his person a United States passport bearing the name “Chang Goo Yoon,” and the photograph in the passport matched the CHANG GOO YOON wanted in the District of Massachusetts. The defendant also had on his person a driver’s license bearing the name “Chang Goo Yoon.”

5. Moreover, at the time of the defendant’s arrest, he acknowledged to me that his name is “Chang Goo Yoon.”

6. Based on the foregoing, I submit that there is probable cause to believe that the defendant is the CHANG GOO YOON wanted in the District of Massachusetts.

WHEREFORE, your deponent respectfully requests that the defendant
CHANG GOO YOON be removed to the District of Massachusetts so that he may be dealt
with according to law.



REGINA LAU
Special Agent
Federal Bureau of Investigation

Sworn to before me via telephone
this 24 day of February 2021



THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

Exhibit A

UNITED STATES DISTRICT COURT

for the
District of MassachusettsUnited States of America
v.

CHANG GOO YOON

Case No. 21-mj-6145-MPK

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) Chang Goo Yoon,
 who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Health care fraud in violation of 18 U.S.C. § 1347.

Date: 02/23/2021City and state: Boston, Massachusetts

A handwritten signature in cursive script that reads "Page Kelley".

*Issuing officer's signature*Honorable M. Page Kelley, U.S. Magistrate Judge*Printed name and title*

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: Chang Goo Yoon

Known aliases: _____

Last known residence: 237 Moody St, APT 0470 Waltham, MA 02453

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: 9176750426

Place of birth: S. Korea

Date of birth: _____

Social Security number: 619-98-2202

Height: 5'8" Weight: _____

Sex: Male Race: Asian

Hair: Black Eyes: Brown

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____

Exhibit B

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Massachusetts

United States of America

v.

CHANG GOO YOON

Case No.

21-mj-6145-MPK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 23, 2018 in the county of _____ in the
_____ District of Massachusetts, the defendant(s) violated:

Code Section

18 U.S.C. 1347

Offense Description

Health care fraud

This criminal complaint is based on these facts:

See attached affidavit



☒ Continued on the attached sheet.

/s/ Gregory Gerlach

Complainant's signature

S.A. Gregory Gerlach

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/23/2021

City and state: Boston, Massachusetts

Page Kelly

Judge's signature

Hon. M. Page Kelley, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT OF SPECIAL AGENT GREGORY GERLACH
IN SUPPORT OF AN APPLICATION FOR AN ARREST WARRANT**

I, Gregory Gerlach, state:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation ("FBI"). I graduated from the FBI Academy in Quantico, VA, where, among other things, I received instruction on methods of gathering evidence in white collar fraud schemes.
2. As a Special Agent with the FBI, I have conducted numerous investigations into suspected violations of federal criminal law. I am currently assigned to a health care fraud squad. I have become familiar with a variety of white collar fraud schemes, including those involving public and private health care benefit programs. I am familiar with and have employed various methods of investigation, including but not limited to review of evidence, visual surveillance, witness interviews, and the execution of search warrants upon personal residences and businesses.
3. I am currently investigating Chang Goo YOON ("YOON"), a physical therapist, for crimes including health care fraud, in violation of Title 18 United States Code, Section 1347.
4. I am submitting this affidavit in support of an application for a criminal complaint charging Yoon with one count of health care fraud in violation of 18 U.S.C. § 1347. The information set forth in this affidavit is based on an investigation conducted by law enforcement agents, including myself. I have not included every fact known by me with respect to this investigation but, instead, have included those facts that I believe are necessary to establish probable cause for the issuance of a criminal complaint against YOON.

Relevant Statute

5. I know that Title 18, United States Code, Section 1347 provides that “[w]hoever knowingly and willfully executes, or attempts to execute, a scheme or artifice—(1) to defraud any health care benefit program; or (2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health care benefit program, in connection with the delivery of or payment for health care benefits, items, or services, shall be fined under this title or imprisoned not more than 10 years, or both.”

PROBABLE CAUSE TO BELIEVE THAT A FEDERAL CRIME WAS COMMITTED

A. YOON, A Physical Therapist, Was Barred From Practicing In Several Jurisdictions

6. YOON is a physical therapist who practiced in Massachusetts from 2009 - 2020. Before setting up his practice in Massachusetts, YOON was barred from practicing physical therapy in several jurisdictions.

7. YOON permanently surrendered his Colorado physical therapy license on August 15, 2007 as a result of a disciplinary action brought by Colorado’s Division of Registrations. In the Stipulation and Final Agency Order, the Director of the Colorado Division of Registrations asserted that she had reasonable grounds to believe that YOON violated the following sections of Colorado’s Physical Therapy Practice Act, CO Stat. § 12-41-115:

- (a) Committed any act which does not meet generally accepted standards of physical therapy practice or failed to perform an act necessary to meet generally accepted standards of physical therapy practice;
- (f) Failed to make essential entries on patient records or falsified or made incorrect entries of an essential nature on patient records;
- (g) Engaged in any of the following activities and practices: Order or performance, without clinical justification, of demonstrably unnecessary laboratory tests or studies; the administration, without clinical justification, of treatment which is demonstrably unnecessary;

or ordering or performing, without clinical justification, any service, X-ray, or treatment which is contrary to recognized standards of practice of physical therapy;

(h)(I) Committed abuse of health insurance;

(i) Committed a fraudulent insurance act; and

(j) Offered, given, or received commissions, rebates, or other forms of remuneration for the referral of clients.

8. On May 20, 2008, the U.S. Department of Health and Human Services excluded YOON from participating in Medicare, Medicaid, and all other federal health care programs. On May 17, 2010, YOON was excluded from participation in the New York State Health Care Program. YOON was denied licensure by the state of California in 2013. On March 18, 2014, the District of Columbia Board of Physical Therapy revoked YOON's Washington, D.C. physical therapy license.

B. YOON Used Multiple Corporate Entities

9. YOON set up several companies in Massachusetts and regularly changed the corporate names, location, and corporate officers of his businesses. As shown in Table 1,¹ he set up multiple business entities operating out of the same physical location during the same time period. Based on my training and experience, I believe YOON frequently changed corporate names and simultaneously used different corporate names for the same clinic to disguise his identity from insurance companies.

TABLE 1		
Office Location	Business Names	Time Period
524 Harvard Street, 1 st Floor Brookline, MA 02466	Boston Pain & Rehab Center, Inc.	2013

¹ Table 1 lists the Massachusetts corporations YOON operated between 2013 and 2019, according to filings with the Massachusetts Secretary of State.

44 Washington St., Suite 104 Brookline, MA 02445	Doctor Physical Therapy, Inc.	2013
	Lee Chiropractic, Inc.	2015
221 Moody Street, Waltham, MA 02453	Doctors Medical Physio Group Inc.	2014-2019
	GoodPT, Inc. d.b.a. D Physio Group, Inc. or Doctors Physio Group Inc.	2015-2019
	221 Physical d.b.a. Doctors Physio Group Inc.	2015-2019
39 Brighton Avenue, Allston, MA 02134.	Hana Rehab Clinic, Inc.	2016-2019
	Doctors Physio Allston, Inc.	2016-2019
	Plus Chiropractic, PC	2018
	Boston Top Center, Inc.	2019
	Hana Pain Rehab Clinic, PC	2019

C. Blue Cross Blue Shield Found Evidence of Fraudulent Billing By YOON

10. Blue Cross Blue Shield ("BCBS"), a private insurance company, began investigating the billing practices of YOON's Massachusetts companies in 2015. BCBS conducted interviews with YOON's associates and patients and uncovered evidence that YOON billed BCBS for fraudulent claims. For instance:

- a. A BCBS investigator interviewed Employee 1, a licensed physical therapist and former business associate of YOON's, on April 11, 2018. Employee 1 worked with YOON from June 2016 to July 2017 at a clinic operating under the name Hana Rehab Clinic, Inc. Employee 1 stated that YOON billed insurance companies for physical therapy services that did not take place. YOON billed BCBS for treatment for most of Employee 1's patients five days a week, when in fact, the patients were only treated two to three times per week. Furthermore, after Employee 1 resigned from YOON's practice, Employee 1 received notice from insurance companies that YOON was continuing to bill for services using Employee 1's National Provider Identifier

("NPI") number.²

- b. A BCBS investigator also interviewed witness Patient 1, a patient of YOON's since January 2017. YOON submitted claims for Patient 1 using four different companies: (1) Doctors Physio Allston, Inc.; (2) Hana Pain and Rehab Clinic, PC; (3) Hana Rehab Clinic, Inc.; and (4) Plus Chiropractic PC. YOON initially treated Patient 1, but in subsequent sessions, Patient 1 was primarily treated by other employees at the practice. At YOON's request, Patient 1 signed false sign-in sheets for appointment dates that Patient 1 missed or cancelled. Patient 1 identified 27 dates of service for which BCBS was billed, but Patient 1 was not present. Patient 1 used a Google calendar to keep track of all his/her appointments. On those 27 dates, Patient 1 was traveling and not present in the Boston area at all.
- c. A BCBS investigator interviewed witness Patient 2 another YOON patient. YOON submitted claims for Patient 2 using two companies: (1) Hana Pain and Rehab Clinic, PC; and (2) Hana Rehab Clinic, Inc. Patient 2 looked at a list of 36 billing dates and told the investigator he/she was only present for 16 of these appointments. Patient 2 was abroad in Germany during some of the dates billed. Additionally, Patient 2 said YOON made Patient 2 sign blank sign-in sheets for appointments that Patient 2 missed or cancelled.

² NPI Numbers are used by healthcare providers to identify themselves in a standard way throughout their industry. Individuals or organizations apply for NPIs through the U.S. Centers for Medicare & Medicaid ("CMS") National Plan and Provider Enumeration System ("NPPES"). NPPES then publishes parts of the NPI record that have public relevance, including the provider's name, specialty, and practice address. Insurance companies use NPI numbers to identify providers for billing purposes.

11. The BCBS investigation also revealed that YOON submitted a claim in March 2019 listing the home address of Patient 3 as 237 Moody St., Apt. 470, Waltham, MA 02453—YOON's home address. Based on my training and experience, I believe YOON submitted this address so that Patient 3 would not receive the Explanation of Benefits paperwork sent by the insurance company, which may have alerted Patient 3 to the fact that YOON was billing for visit dates that never occurred.

12. BCBS also placed several of YOON's physical therapy practices in "Prepayment Review." Normally, insurance companies pay out claims automatically without review. However, the Prepayment Review process meant that BCBS reviewed all claims submitted from YOON's office before issuing payment. When BCBS came across suspicious claims, it asked YOON for underlying medical records to support the claims. BCBS often rejected YOON's billing and would not reimburse the claims submitted.

D. YOON Failed to Provide the Claimed Services to Patients

13. Investigators have interviewed a number of YOON's former patients. After showing the patients the insurance claims submitted by YOON, patients have confirmed that YOON billed them for physical therapy services that were not provided. For example, a former patient, Patient 4 compared her schedule with the dates that YOON billed and found that YOON billed multiple dates of service when she was not seen by him. Another patient, Patient 5 confirmed that YOON billed multiple dates of service when she was abroad in China.

14. Patients typically were asked to sign a "Sign in sheet" for each physical therapy visit. Former employees have told law enforcement that these "Sign in sheets" were used to submit insurance claims. Former patients have confirmed that they were asked to sign in for dates when they did not actually receive services. For example, Patient 6 confirmed that he was

asked to sign in for multiple dates of service when he was not seen.

15. YOON also billed for multiple dates when he was gambling at casinos and not present at his clinic. For instance, on or around August 7, 2015, August 19, 2017, September 30, 2017, and November 23, 2018, YOON billed patients for approximately \$47,658 in physical therapy sessions. During each of those days YOON was actually observed at the Golden Nugget casino in Atlantic City or the MGM Grand casino in Springfield MA.

Conclusion

16. Based on the forgoing facts, and on my experience, training, and discussions with other individuals involved in this investigation, I submit that there is probable cause to believe that CHANG GOO YOON knowingly and willfully executed a scheme or artifice to defraud a health care benefit program; or obtained, by means of false or fraudulent pretenses, representations, or promises, the money of a health care benefit program, in connection with the delivery of or payment for health care benefits, in violation of Title 18, United States Code, Section 1347. Therefore, I request that a criminal complaint be issued charging CHANG GOO YOON accordingly, and that an arrest warrant be issued.

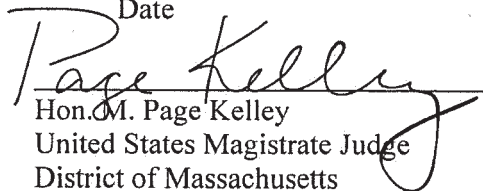
Respectfully submitted,
/s/ Gregory Gerlach

Gregory Gerlach
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
on _____

Date

February 23, 2021


Hon. M. Page Kelley
United States Magistrate Judge
District of Massachusetts

